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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,026	11/07/2001	Hiroyuki Kishi	1506.1013	4741

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EXAMINER

HO, THOMAS Y

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 10/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/986,026

Applicant(s)

KISHI, HIROYUKI

Examiner

Thomas Y Ho

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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## DETAILED ACTION

### *Specification*

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because the text exceeds the 150 word limit.

Correction is required. See MPEP § 608.01(b).

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Hicks

USPN6615184.

As to claim 1, Hicks discloses a purchase information collecting method for collecting information on a purchaser of one or more commodities using a network with a server apparatus 36, wherein said server apparatus 36, when receiving sales information (Fig.3) that is capable of

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identifying a deal about a commodity and is generated and transmitted by a seller 40 of the commodity, stores the received sales information on a first storing part (database/page or cell; Fig.4), and when receiving purchase information that consists of personal information of a purchaser of a commodity (Fig.5) and the sales information that is presented to the purchaser by a seller of the commodity, judges whether the sales information included in the received purchase information is stored in said first storing part (searches to see if the proposed deal of the customer matches any offered deals from the supplier), and, if the sales information is stored (if a match is made), stores the received purchase information as valid purchase information in a second storing part (database/page or cell; Fig.6; col.3, ln.35-50).

As to claim 2, Hicks discloses a purchase information collecting method according to claim 1, wherein the purchase information includes first information (Fig.6; supplier column) for identifying a seller, second information (Fig.6; discount column) for identifying a deal made by the seller, third information (Fig.6; product/service column) for identifying a commodity.

As to claim 3, Hicks discloses a purchase information collecting method according to claim 2, wherein the second information (Fig.6; discount column) included in the purchase information (Fig.6) indicates time order of deals (Fig.6; sales date column) made by the seller identified with the first information.

As to claim 4, Hicks discloses a purchase information collecting method according to claim 3, wherein the second information (Fig.6; discount column) included in the purchase information includes information indicating a date of a deal (Fig.6; sales date column) and information indicating time order of deals (Fig.6; sales date column) made by the seller identified with the first information.

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As to claim 5, Hicks discloses a purchase information collecting method according to claim 3, wherein said server apparatus 36, if the sales information included in the received purchase information is not stored in said first storing part (analogous to the situation where the exact deal entered by customer does not exactly match the deal offered by the seller, perhaps because the seller has a larger discount), extract sales information containing the first information of the sales information included in the purchase information from said first storing part (take information from the purchase information to find alternative offers), and, if the second information of the purchase information falls in range from minimum second information to maximum second information (if the information falls in a range from a minimum discount to a set maximum discount, perhaps 30% or higher for the example given in Hicks) that are contained in the extracted sales information, stores the purchase information as unidentified-validness purchase information in the second storing part (in a cell in Figure 6).

As to claim 6, Hicks discloses a purchase information collecting method according to claim 1, wherein said server apparatus 36 transmits to computer 32 operated by the purchaser a screen data that makes browser program executed in the computer to display a screen containing an input area (Fig.5) for inputting purchase information and an item for inputting instruction to submit the purchase information in the input area to said server apparatus.

As to claim 7, Hicks discloses a purchase information collecting program causing a computer capable of communicating other computers (Fig.1) to perform processing comprising the steps of: receiving sales information that is capable of identifying a deal of the commodity and is generated and transmitted by a computer managed by a seller of the commodity (Fig.3), and storing the received sales information on a first storing part (stored in the database in Fig.4),

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receiving purchase information that consists of personal information of a purchaser of the commodity (Fig.5) and the sales information that is presented to the purchaser by a seller of the commodity from a computer operated by a purchaser, storing, when the sales information included in the received purchase information is stored in said first storing part, the received purchase information as valid purchase information in a second storing part (the cell in Fig.6; for the Hicks example, the second storing part is the cell with 30% because that is the set discount being searched for).

As to claim 8, Hicks discloses a purchase information collecting program according to claim 7, wherein the purchase information includes first information for identifying a seller (supplier column in Fig.6), second information for identifying a deal made by the seller (discount column in Fig.6), third information for identifying commodity (product/service column in Fig.6).

As to claim 9, Hicks discloses a purchase information collecting program according to claim 8, wherein the second information included in the purchase information indicates time order of deals (sale dates column in Figure 6) made by the seller identified with the first information.

As to claim 10, Hicks discloses a purchase information collecting program according to claim 9, wherein said processing further comprises, a step of extracting, when the sales information included in the received purchase information is not stored (when the exact sales/discount information is not found), sales information containing the first information of the purchase information from said first storing part, and of storing, if the second information of the purchase information falls in range from minimum second information to maximum second information that are contained in the extracted sales information (for example 0% to 29% in the

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Hicks example), the purchase information as invalid purchase information in a second storing part (col.9, ln.30-42; if the supplier discount does not meet the query, the query will be stored in a record in the server 36), and of storing, if not (if the offer is above 30% in the Hicks example), the purchase information as unidentified-validness purchase information in the second storing part (a cell in Figure 6).

As to claim 11, Hicks discloses a purchase information collecting method for collecting a deal between a purchaser and a seller, comprising: a step of receiving first deal identifying information from a seller (Fig.3), a step of storing the first deal identifying information in a first storing part (database in Fig.4), a step of receiving second deal identifying information and personal information from a purchaser (Fig.5), a step of making comparison between the second deal identifying information and the first deal identifying information stored in said first storing part (col.3, ln.35-50).

As to claim 12, Hicks discloses a purchase information collecting method according to 10, further comprising: a step of storing (in the cell in Fig.6 that shows 30% from the example in Hicks), when a equal comparison is made (when the equal discount is found), the second deal identifying information and the personal information in a second storing part (cells in Figure 6).

As to claim 13, Hicks discloses a purchase information collecting method according to 10, further comprising, a step of judging, when a equal comparison is not made (equivalent deal/discount not found), whether the second deal identifying information falls in range from minimum identifying second information to maximum second identifying information (for the example in Hicks, the range from 30% or higher) that are stored in the first storing part.

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As to claim 14, Hicks discloses a purchase information collecting method according to claim 13, further comprising: a step of storing, when it is judged that the second deal identifying information falls in the range (30% or higher), the second deal identifying information together with an identifier for valid information in a second storing part. In claim 10, from which claim 14 depends, the applicant has already disclosed that if the information falls in the range, the information is stored as invalid purchase information, but in claim 14, the applicant states that when information falls in the range, the information is valid information. The examiner assumes that the ranges claimed in claims 10 and 14 are not the same range in order for the claims to have merit.

As to claim 15, Hicks discloses a purchase information collecting method according to claim 13, further comprising: a step of storing, when it is judged that the second deal identifying information does not fall in the range, the second deal identifying information together with an identifier for information whose validness is not identified (stored in the server as a failed query; col.9, ln.30-42).

As to claim 16, Hicks discloses a purchase information collecting program causing a computer to perform processing comprising the steps of: receiving first deal identifying information from a seller (Fig.3), storing the first deal identifying information in a first storing part (database in Fig.4), receiving second deal identifying information and personal information from a purchaser (Fig.5), and making comparison between the second deal identifying information and the first deal identifying information stored in said first storing part (col.3; ln.35-52).



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As to claim 17, Hicks discloses a purchase information collecting apparatus for collecting information on a deal between a purchaser and a seller, comprising: unit 40 which received first deal identifying information from a seller (Fig.3); unit 36 which stores the first deal identifying information in a first storing part (database in Fig.4); unit 32 which receives second deal identifying information and personal information from a purchaser (Fig.5); and unit 30 which makes comparison between the second deal identifying information and the first deal identifying information stored in said first storing part (col.3, ln.35-52).

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

USPN6041309 to Laor discloses a method and system for distributing and redeeming electronic coupons.

USPN6389401 to Kepecs discloses a system and method for inverted promotions.

USPN6564189 to Nycz discloses a universal method and apparatus for determining prices and rewards in retail transactions.

USPN6584448A1 to Laor discloses a method of and system for distributing and redeeming electronic coupons.

US20010013011A1 to Day discloses a targeted marketing and purchase behavior monitoring system.

US20010014878A1 to Mitra discloses a transaction method and apparatus.

US20010032165A1 to Friend discloses a method and apparatus for internet connectivity for buyers, sellers, and transporters.

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US20010034658A1 to Silva discloses applications of executable shopping lists.

US20010034685A1 to Kutaragi discloses a selling price managing system and method therefore.

US20010042023A1 to Anderson discloses a product fulfillment system.

US20010051901A1 to Hager discloses consumer shopping tool to augment retail sales.

US20010054007A1 to Minkawa discloses intermediation control apparatus and computer readable storage medium.

US20010054081A1 to Fujiwara discloses a merchandise data delivery system, delivery device and method.

US20020010623A1 to McCollom discloses a system and method for publishing, distributing, and redeeming coupons on a network.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Y Ho whose telephone number is (703)305-4556. The examiner can normally be reached on M-F 10:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J Swann can be reached on (703)306-4115. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)306-1113.

TYH

WILLIAM MILLER  
PRIMARY EXAMINER  
TECHNOLOGY CENTER 3600

